



**Fw: MO-MDNR ----Fw: Fru-Con Riverview Asbestos Site**

**Randall Whipple** to: Candace Bias

This message is digitally signed.

06/12/2012 05:29 PM

Candace,

FYI ! For your reading pleasure. As you can see from some of the request or I should say most of them, there are no one simple solution response that needs to be considered. ENJOY! :)

Everett Bishop is our contact wit OECA in HQs. I will sometimes ask for his opinion or insight. He has a pretty good sense of historical application of the NESHAP regulations. I may call him, just to save him from having to provide a long written response.

Randall M. Whipple  
Senior Asbestos Inspector & Regional Coordinator  
U.S. Environmental Protection Agency, Region 7  
Water, Wetlands, and Pesticides Division  
Toxics and Pesticides Branch  
901 North 5th Street  
Kansas City, KS 66101  
Office: 913-551-7093  
Fax: 913-551-9093  
E-mail: [whipple.randall@epa.gov](mailto:whipple.randall@epa.gov)

----- Forwarded by Randall Whipple/R7/USEPA/US on 06/12/2012 05:21 PM -----

From: Randall Whipple/R7/USEPA/US  
To: Everett Bishop/DC/USEPA/US@EPA  
Date: 06/12/2012 04:13 PM  
Subject: MO-MDNR ----Fw: Fru-Con Riverview Asbestos Site

---

Everett,

Good afternoon! I'm forwarding this email I got from Missouri which I thought I might ask your opinion, especially since it's another landfill and very close to the Mississippi River. We all know we cannot be too careful in our interpretation of the NESHAP. I have no expertise or practical experience in closing landfills, I'll leave that to the state, RCRA and the project engineers. I'm beginning to see more and more about the applicability of NESHAP, but it seems to me that the requirements of 61.151 would certainly apply. My thought is that removal or moving around any ACM soil would not qualify as a regulated abatement project, but the requirements for the 45 notification under the requirements of 61.151 would apply due to the fact that it is a NESHAP regulated facility having previously received RACM. However, Question #1 in Richard's email becomes more complicated when sorting out whether to "broken material (ACM)" is regulated as opposed to whether ACM soil is not regulated. Perhaps, I have misinterpreted NESHAP.

Any particular proposed plan regarding an acceptable engineering design would need to be agreed to by the state, RCRA, and the Owner/Operator as long as it met the NESHAP's requirements and was not in conflict with those requirements. As to ACM materials deposited before pre-NESHAP, that point is moot once it started receiving RACM. Once regulated under NESHAP always regulated regardless of pre-1973 deposits. Am I mistaken?

I probably get more requests for NESHAP responses from MO than all our other states combined and I'm certainly not being left out this week. Makes life interesting, but it always seems their scenarios always have just a little different twist. For example, I am being asked if a public tennis court is a regulated

structure for a demolition project? Are roadways, runways or bridges only regulated when asbestos is an added commercial value to the asphalt and/or the asbestos source is from milling tailings? Some responses I have found from Larry Hacker and R5 regarding taxiways and runways were not in agreement. Larry thought if 160 square feet (or greater) of ACM in taxiways or runway concrete slabs was cut or disturbed and caused to become friable it was subject to NESHAP's work practices of § 61.145 and § 61.150 and disposal would be in accord of § 61/154. In a March 16, 1990 response R5 responded to a letter that asbestos NESHAP renovation/demolition standards did not apply to roadways because they were not structures. Also, in 1997 a letter from R5 describes informing a construction company that removal of a layer of asphalt with asbestos from an airplane taxiway was not subject to the asbestos NESHAP. Everett, am I missing something here? Any thoughts, other than cursing ones now that I've sent you a book rather than a question? :)

Randall M. Whipple  
Senior Asbestos Inspector & Regional Coordinator  
U.S. Environmental Protection Agency, Region 7  
Water, Wetlands, and Pesticides Division  
Toxics and Pesticides Branch  
901 North 5th Street  
Kansas City, KS 66101  
Office: 913-551-7093  
Fax: 913-551-9093  
E-mail: [whipple.randall@epa.gov](mailto:whipple.randall@epa.gov)  
----- Forwarded by Randall Whipple/R7/USEPA/US on 06/12/2012 02:39 PM -----

From: "Hall, Richard" <[richard.hall@dnr.mo.gov](mailto:richard.hall@dnr.mo.gov)>  
To: Randall Whipple/R7/USEPA/US@EPA  
Cc: "Cady, Chris" <[chris.cady@dnr.mo.gov](mailto:chris.cady@dnr.mo.gov)>  
Date: 06/11/2012 03:50 PM  
Subject: FW: Fru-Con Riverview Asbestos Site

---

Mr. Whipple, I would like to have your opinion on the scenario described below. Based on our recent discussions about landfill disturbance, I would have to agree that the activity would not constitute a regulated abatement project since landfill disturbance is not considered to be demolition or renovation. However, would the requirements of 61.151 apply since this site was used as a disposal site for manufacturing operations? Does the fact that much or all of the ACWM disposal occurred prior to the effective date of the asbestos NESHAP have any bearing?

Thank you, in advance, for your consideration.

**From:** Cady, Chris  
**Sent:** Monday, June 11, 2012 12:36 PM  
**To:** Hall, Richard  
**Subject:** Fru-Con Riverview Asbestos Site

Richard,

Following up on my call earlier today.

This project to cap an old asbestos cement scrap landfill in north St. Louis (near Riverview) died on the vine in the early 2000s. It has been resurrected, and I'm checking in on some outstanding questions that were not resolved back then.

The site was enrolled in the Brownfields/Voluntary Cleanup Program in 1998. The site is located at 9250 Riverview Dr. on the banks of the Mississippi River at the mouth of Maline Creek, bordered on the West by Riverview Drive, East by Mississippi River, and South by Maline Creek. It is located in the City although the border is close by to the west. The site was historically used as a landfill for scrap ACM from manufacturing plants in the area, including apparently asbestos cement pipe and sheets (i.e. Transite siding). I believe the material was laid down in the 50s and 60s and possibly extending into the 70s. It is now used as a storage area for construction equipment and salvage. The site has layer of scrap and cement kiln dust up to 15 feet thick, overlain by a covering CKD. The material is exposed at the river bank and is eroding into the Mississippi River. Small pieces of Transite can be seen at the ground surface on top of the landfill.

In 1998, a coalition of asbestos manufacturers and the owner at that time (Fru-Con Construction) set out to stabilize the bank and cap the top surface. The project got as far as approval of a conceptual remedial action plan involving lots of big rocks on the river bank and a soil cap on top. The coalition fell apart before the plan was implemented (one party, GAF if I recall, went into bankruptcy, and at least one other suspected manufacturer did not participate). The surface cap was several acres in size and the riverbank is several hundred feet long, so it is not an inexpensive project.

New owners, Env. Liability Transfer (ELT) have submitted a new plan to cap the site. The plan involves covering the flat top of the landfill area with a soil cap, cutting the top of the river bank down and depositing that material at the bottom to create a sloped bank followed by capping the slope. Env. covenants would be used to prohibit future excavation without proper precautions and to restrict the use of the site to non-residential.

The plan as submitted states that the project is not a regulated abatement project and that no notifications are planned. It also states that perimeter air monitoring and personal air monitoring will be used along with water for dust control.

I have two basic questions:

- 1) Is the broken material a regulated ACM and how does that affect how the project should be conducted (both capping and riverbank cut/fill/cap)? In other words, are the above measures considered sufficient?
- 2) If this is not a NESHAPS regulated project, are there any other regulations that would apply to the site that we need to look out for?

As I said, I am fairly confident we can get this project done safely using dust control and air monitoring, but just wanted to make sure that the remediating party is following all applicable regulations.

I am making comments on the draft plan and will leave a placeholder for your and EPA's response if I don't hear back before this letter goes out. I do think they would like to begin fairly soon this year.

Thanks,

Chris Cady, Ph.D.  
Environmental Specialist  
Brownfields/Voluntary Cleanup Section  
Hazardous Waste Program

(573) 526-8916